REMARKS

The Office Action mailed February 5, 2007, has been received and reviewed. Claims 1 through 22 were pending in the application. Claims 1 through 3, 5 through 15 and 17 through 22 stand rejected. Claims 4, 15, 16, and 19 through 22 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Applicants have canceled claims 1, 7, 12, 15 and 20. Applicants have amended claims 2-6, 8-11, 13, 14, 16-19 and 22, and respectfully request reconsideration of the application as amended herein.

Claim Objections

Claims 15-16 and 19-22 have been objected to because of informalities. Such claims have been amended and corrected herein, as required by the Examiner. Claim 15 has been canceled. Therefore, Applicants respectfully request the objections to the claims be withdrawn.

35 U.S.C. § 112 Claim Rejections

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have canceled claim 12.

35 U.S.C. § 102(b) Anticipation/35 U.S.C. § 103(a) Obviousness Rejections

Anticipation/Obviousness Rejection Based on U.S. Patent No. 5,700,601 to Hasegawa et al.

Claims 1 through 3, 5 through 10, 13 through 15, 17 through 19, 21, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Hasegawa et al. (U.S. Patent No. 5,700,601). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention

must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The 35 U.S.C. § 102(b) anticipation rejections of claims 1 through 3, 5 through 10, 13 through 15, 17 through 19, 21, and 22 are improper because the cited reference does reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims. Since the Hasegawa reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims, the Hasegawa reference cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claim 1, and claims 2, 3, 5 and 6 depending therefrom, independent claim 7, and claims 8-10, 13 and 14 depending therefrom, independent claim 15, and claims 17 and 18 depending therefrom, and independent claim 19, and claims 21 and 22 depending therefrom.

The alternative 35 U.S.C. § 103(a) obviousness rejections of claims 1 through 3, 5 through 10, 13 through 15, 17 through 19, 21, and 22 are improper because the elements for a prima facie case of obviousness are not met. Specifically, the rejection fails to meet the criterion that the prior art reference must teach or suggest all the claims limitations.

Claims 1-3, 5, 6

Claim 4 was allowable but objected to as being dependent on a rejected base claim. Accordingly, Applicants have amended claim 4 into independent form. Furthermore, Applicants have amended claims 2, 3, 5 and 6 to depend from allowable claim 4 and have canceled claim 1.

Therefore, claims 2-6 are allowable and Applicants respectfully request the rejections and objection thereto be withdrawn.

Claims 7-10, 13, 14

Applicants have canceled claim 7 and amended claim 11 into independent form to recite elements not disclosed, taught or suggested in the Hasegawa reference. Specifically, Applicants have amended now-independent claim 11 to recite, in part, "sidelobe inhibitors including guard rings therearound" which the Examiner concedes is not disclosed, taught or suggested in the Hasegawa reference. (Office Action, p. 15). Accordingly, Applicants respectfully request the rejections of claims 8-14 be withdrawn.

Claims 15, 17, 18

Claim 16 was allowable but objected to as being dependent on a rejected base claim. Accordingly, Applicants have amended claim 16 into independent form. Furthermore, Applicants have amended claims 17 and 18 to depend from allowable claim 16 and have canceled claim 15. Therefore, claims 16-18 are allowable and Applicants respectfully request the rejections and objection thereto be withdrawn.

Claims 19. 21. 22

Applicants have canceled claim 20 and amended claim 19 to recite elements not disclosed, taught or suggested in the Hasegawa reference. Specifically, Applicants have amended independent claim 19 to recite, in part, "sidelobe inhibitors including guard rings therearound" which the Examiner concedes is not disclosed, taught or suggested in the Hasegawa reference. (Office Action, p. 15). Accordingly, Applicants respectfully request the rejections of claims 19, 21 and 22 be withdrawn.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 5,700,601 to Hasegawa et al. in view of U.S. Patent No. 5,700,606 to Kobayashi et al.

Claims 11, 12 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hasegawa et al.(U.S. Patent No. 5,700,601) in view of Kobayashi et al. (U.S. Patent No. 5,700,606). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 11 has been amended into independent form and includes claim elements conceded to in the Office Action as being allowable. Therefore, now-independent claim 11 is not disclosed, taught or suggested in the cited references. Accordingly, Applicants respectfully request the rejection of claim 11 be withdrawn.

Claim 12 has been canceled.

Claim 20 has been canceled.

Double Patenting Rejection Based on U.S. Patent No. 6,807,519 to Stanton in view of U.S. Patent No. 5,700,601 to Hasegawa et al.

Claims 1 through 3, 5 through 10, 13 through 15, 17 through 19, 21, and 22 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 4, 6 through 12, 14 through 18, 20, 22, 24, 25, 35 through 38, and 43 through 46 of Stanton (U.S. Patent No. 6,807,519) in view of Hasegawa et al. (U.S. Patent No. 5,700,601) as discussed above.

Applicants acknowledge the obviousness-type double patenting rejection and respectfully request that the Examiner hold the requirement for a terminal disclaimer in abeyance and reconsider the obviousness-type double patenting rejection after examination on the merits of all claims in the present application. At that point, if the Examiner still believes an obviousness-type double patenting rejection is appropriate, Applicants will reconsider filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 CFR § 1.321 (b) and (c).

Double Patenting Rejection Based on U.S. Patent No. 6,807,519 to Stanton in view of U.S. Patent No. 5,700,601 to Hasegawa et al. and further in view of U.S. Patent No. 5,700,606 to Kobayashi et al.

Claims 11, 12, and 20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 4, 6 through 12, 14 through 18, 20, 22, 24, 25, 35 through 38, and 43 through 46 of Stanton (U.S. Patent No. 6,807,519) in view of Hasegawa et al. (U.S. Patent No. 5,700,601), as discussed above, and further in view of Kobayashi et al. (U.S. Patent No. 5,700,606) as discussed above.

Applicants acknowledge the obviousness-type double patenting rejection and respectfully request that the Examiner hold the requirement for a terminal disclaimer in abeyance and reconsider the obviousness-type double patenting rejection after examination on the merits of all claims in the present application. At that point, if the Examiner still believes an obviousness-type double patenting rejection is appropriate, Applicants will reconsider filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 CFR § 1.321 (b) and (c).

Provisional Double Patenting Rejection Based on U.S. Patent Application Publication No. 2005/0049839 to Stanton in View of U.S. Patent No. 5,700,601 to Hasegawa et al.

Claims 1 through 3, 5 through 10, 13 through 15, 17 through 19, 21, and 22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 51 through 61 of Stanton (copending U.S. Patent Application Publication No. 2005/0049839) in view of Hasegawa et al. (U.S. Patent No. 5,700,601), as discussed above.

Applicants acknowledge the obviousness-type double patenting rejection and respectfully request that the Examiner hold the requirement for a terminal disclaimer in abeyance and reconsider the obviousness-type double patenting rejection after examination on the merits of all claims in the present application. At that point, if the Examiner still believes an obviousness-type double patenting rejection is appropriate, Applicants will reconsider filing a terminal

disclaimer to obviate the double patenting rejections in compliance with 37 CFR § 1.321 (b) and (c).

Provisional Double Patenting Rejection Based on U.S. Patent Application Publication No. 2005/0049839 to Stanton in View of U.S. Patent No. 5,700,601 to Hasegawa et al. and further in view of U.S. Patent No. 5,700,606 to Kobayashi et al.

Claims 11, 12, and 20 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 51 through 61 of Stanton (copending U.S. Patent Application Publication No. 2005/0049839) in view of Hasegawa et al. (U.S. Patent No. 5,700,601), as discussed above, and further in view of Kobayashi et al. (U.S. Patent No. 5,700,606), as discussed above.

Applicants acknowledge the obviousness-type double patenting rejection and respectfully request that the Examiner hold the requirement for a terminal disclaimer in abeyance and reconsider the obviousness-type double patenting rejection after examination on the merits of all claims in the present application. At that point, if the Examiner still believes an obviousness-type double patenting rejection is appropriate, Applicants will reconsider filing a terminal disclaimer to obviate the double patenting rejections in compliance with 37 CFR § 1.321 (b) and (c).

Objections to Claims 4 and 16/Allowable Subject Matter

Claims 4 and 16 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form.

Applicants have amended claims 4 and 16 into independent form and respectfully request the objections be withdrawn.

CONCLUSION

Claims 2-6, 8-11, 13, 14, 16-19, 21 and 22 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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